



Commission Statement: EU framework for democracy, rule of law and fundamental rights

Strasbourg, 12 February 2015

Speech of First Vice-President Frans Timmermans to the European Parliament

Honourable Members,

"The clearest way to show what the rule of law means to us in everyday life is to recall what has happened when there is no rule of law." When President Eisenhower marked the very first 'Law Day' with these words, in 1958, World War Two had ended since barely a dozen years. The memories were raw, the images and the fear etched into minds.

It has now been seventy years – *we commemorated the liberation of the terror camps in this very hemicycle when we last met in January, President Schulz and I were in Terezin only two weeks ago.* Seventy years, yet the **alarming backdrop** to this anniversary – not just the headlines but also the trends, the patterns that we see –, this backdrop has come as a harsh, **sobering call for vigilance**.

This is why I welcome this timely debate. This House's vigilance on fundamental rights is of utmost importance: we cannot let our societies imperceptibly slip back; we cannot allow illiberal logics to take hold. There is no such thing as an illiberal democracy. Our **Union is built on a break from the past**; on the principle that societies should be free and open, sheltered from arbitrariness and force. This great leap, that is what Europe stands for. **All too often, we take all of this for granted.**

So I cannot repeat it often enough: Compromising on values is compromising on the EU, weakening it and bringing it to a standstill. There can be no Europe without full respect of our common values.

This Commission is dedicated to advancing fundamental rights and the rule of law. I have been entrusted by President Juncker with **a duty of special significance** – and of huge significance to me –, that of steering and coordinating this work.

It is **an everyday work**: mainstreaming fundamental rights as a reflex throughout the policy cycle, from inception to implementation. Together with Commissioners Jourova and Avramopoulos, we form a **"fundamental rights project team"**, and I will invite other Commissioners to join if necessary. Our aim is to pursue a **360 degree approach** to ensure that fundamental rights are effectively enforced and protected in Member States, based on information gathered on the ground.

I am well aware that this House has, on different occasions, called for an **effective and binding instrument supplementary to Article 7**. We can clearly all agree on the aim behind these calls: ensuring our common values are fully respected and enforced. The key issue for discussion is that of the **best means** to achieve this objective.

To me, all institutions have important, **complementary roles** to play. In December, the Council and the Member States agreed to establish an annual dialogue to that effect, and I believe that our debate today serves very much the same purpose.

The Commission has its own role, and in line with the Treaties, in recent years it has **taken firm action** – by exerting political pressure, but also by successfully seizing the Court of Justice when the rule of law was threatened, for instance on the unlawful retirement of judges, or on measures affecting the independence of supervisory authorities.

Our approach to **infringements** pays special attention to "rule of law-related cases", where implementation of EU legislation raises problems of compatibility with certain aspects of the rule of law. This includes for example the right to an effective remedy before a tribunal, or cases where enforcement bodies have insufficient powers or independence. Since December, what we call the 'ex-third pillar measures' in **police and judicial cooperation** can also be subject to infringement procedures; and here too the Commission is ready to take action.

I will personally see to it that the Commission acts in a **non-ideological** manner, and assesses each case fairly and objectively, based on the facts of the case, and on the law. The Commission will act impartially and treats all Member States equally. Our purpose is not to sanction individual Member States per se, but rather to address issues through targeted intervention to **restore the correct application of EU law**.

Article 7 provides for potentially far-reaching sanctions. It isn't limited in scope to areas covered by EU law, but rather designed to address 'clear risk[s] of a serious breach'. However, past experience has shown that this instrument – which can be triggered by the Commission, the European Parliament or one third of Member States – is **not always suited to swift and effective intervention**. In particular, there are situations which do not fall under the scope of EU law, and cannot be said to meet the threshold of Article 7, but which do raise concern regarding the respect of the rule of law in a particular Member State.

For this reason, last March the Commission established the **EU Rule of Law Framework**, which sets out how the Commission will react in this sort of case. It can enter into a **political dialogue** with the Member State concerned when there is an emerging systematic threat to the rule of law, to **prevent that it escalates further**. When such a rule of law crisis emerges in a Member State, the Framework also allows the Commission to react swiftly, following an objective assessment of the situation and with full respect to the principle of equal treatment of Member States. The objective is to find a solution with the Member State concerned and to avoid having to trigger the mechanisms of Article 7.

The **Parliament** will have an important political role in supporting the Commission's efforts to convince the Member State concerned to put an end to a rule of law crisis. The Parliament would be regularly informed of the progress made at each stage of the process.

We are keeping a close eye on all issues arising in Member States relating to the rule of law, and I will **not hesitate** to use the Framework if this required by the situation in a particular Member State.

Let me also use this occasion to address a related issue: many of you may also wonder about the state of play concerning **EU accession to the European Convention on Human Rights** following the opinion of the Court of last December. Accession to the ECHR remains a top priority for the Commission and for me personally. I strongly believe that it would lead to a further strengthening of fundamental values. However, the Opinion of the Court has raised a number of significant challenges, and some of them are not easy to meet. Which is why I believe we need a **reflection period** giving us time for consultations with stakeholders on the best way forward.

Though the European Parliament has welcomed the EU Rule of Law Framework and the annual debate in the Council, I am aware that there are renewed calls to establish new additional mechanisms for the permanent and regular monitoring whether Member States comply with the EU fundamental rights.

My conviction and policy has always been – **if current tools don't deliver, we will have to improve them**. I am always ready to reflect on how to enhance respect for our values. However, before embarking on a long discussion on possible new instruments we must be clear on the problem at stake. Can we say to our citizens that we need yet another monitoring mechanism to fight against radicalisation and extremism; or **do we just need to better use the existing and recently established tools?**

Experience has shown that there is not so much a need for new reporting or monitoring mechanisms, but rather for the improvement of the European Union's capacity to act and intervene in certain types of crisis situations relating to the rule of law. That is why **in our view, the Framework is well-targeted** on the key issue at stake. And **much already exists** in terms of reporting mechanisms and information sources on compliance with fundamental values and the rule of law in Member States. Numerous actors – including Union institutions and agencies, in particular the Fundamental Rights Agency which carries out excellent work, but also the Council of Europe and its Venice Commission, as well as many NGOs – all perform regular monitoring activities and make important assessments. Efforts to make this information more accessible and easier to use must certainly be encouraged.

This is why I intend for the annual **colloquium on fundamental rights** (something that I announced in Parliament at my hearing) to take place in the Autumn – October or November – and I want all relevant stakeholders, including of course the European Parliament, to take part. And I would like to announce here today that I plan for the theme of this year's colloquium to be about **tolerance**, namely how to prevent and combat anti-Semitic and anti-Muslim, anti-Christian, anti-minority hatred in our societies. These are some of the biggest challenges we face today.

I hope that you will engage actively in this important event – I want it to be a visible and meaningful debate. Together, by speaking up and speaking jointly, we can send a **powerful political message**. I think that would also mean more to our citizens that a protracted institutional debate about mechanisms. Because this, at the end of the day, is about our societies and what bind us together. About how we can combat fear, numbing fear, paralysing fear, fear of the other. What our common values really mean to us, to our children, to our grandchildren. What we owe them, and what we owe ourselves. This is the debate and the actions that citizens expect from us. Thank you.

General public inquiries:
[Europe Direct](#) by phone [00 800 67 89 10 11](#) or by [email](#)